

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH J. WHITWELL,)	
)	
Plaintiff,)	
)	
v.)	C.A. NO. 05-796 (SLR)
)	
ARCHMERE ACADEMY, INC., a)	JURY TRIAL BY
Delaware corporation; CATHOLIC)	TWELVE DEMANDED
DIOCESE OF WILMINGTON, INC., a)	
Delaware corporation; Rev. EDWARD)	
SMITH, individually and in his official)	
capacity; and Rev. MICHAEL A.)	
SALTARELLI, in his official capacity,)	
)	
Defendants.)	

**MOTION TO DISMISS
OF DEFENDANT CATHOLIC DIOCESE OF WILMINGTON, INC.**

Pursuant to FRCP 12(b)(6), defendant Catholic Diocese of Wilmington, Inc. ("Diocese), by and through its undersigned counsel, hereby moves to dismiss all counts of Plaintiff's Complaint, on the ground, *inter alia*, that all of Plaintiff's claims are barred by the applicable statute of limitations. The reasons for this motion will more fully be set forth in the opening brief of the defendant Diocese in support of its motion to dismiss, which will be filed in accordance with the stipulated briefing schedule agreed to by the parties, subject to the approval of the Court.

WHEREFORE, defendant Catholic Diocese of Wilmington, Inc., respectfully requests that this Court issue an order dismissing with prejudice Plaintiff's Complaint in its entirety as it relates to defendant Diocese.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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DATED: March 27, 2006

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Defendants.)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that two copies of the attached Motion to Dismiss of Defendant Catholic Diocese of Wilmington, Inc., were served via Electronic Filing upon the following counsel of record:

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DATED: March 27, 2006